

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

**FREDERICK JOINER and ELEANOR
JOINER**)

Plaintiffs,)

v.)

CASE NUMBER: 08-429

**BAYROCK MORTGAGE
CORPERATION, 1ST CONTINENTAL
MORTGAGE, INC., and PLESKA &
DOUGLAS, LLC,**)

Defendants.)

**AFFIDAVIT IN SUPPORT OF PLAINTIFFS' MOTION TO APPROVE SETTLEMENT
AND MOTION FOR AWARD OF ATTORNEY'S FEES AND EXPENSES**

Before me, the undersigned authority, personally appeared Max Cassady, and having been first duly sworn, does depose and say as follows:

My name is Max Cassady, and I am a licensed, practicing attorney in the Southern District of Alabama. I served as law clerk to Hon. Alex T. Howard, Jr., Chief U.S. District Judge, Southern District of Alabama (1990-1992). I received my law degree in 1990 from the University of Alabama School of Law, where I was a member of the Alabama Law Review. I am admitted to practice in the Southern, Middle, and Northern District, and the Eleventh Circuit. I obtained board certification from The National Board of Trial Advocacy in civil trial advocacy five years ago. I am a member of The National Association of Consumer Advocates (NACA). A substantial portion of my practice pertains to consumer rights litigation.

I am generally familiar with the manner in which attorneys' fees are paid in consumer litigation in the Southern District of Alabama. For attorneys representing the plaintiff, it is customary for the attorney to be compensated on a contingent fee basis in prosecuting consumer

litigation like this matter because these clients cannot afford to pay lawyers on an hourly basis in the same manner that most consumers cannot afford complex health care if they have no health insurance. The range of contingent fees charges in consumer work ranges from 33.3% to 50% depending on the risk entailed and whether or not there is an arbitration clause. A 40% contingent fee contract is common in non-personal injury cases.

It is my opinion that a rate of \$300 per hour is reasonable for the prosecution of actions by Mr. Underwood and Mr. Riemer. I am familiar with their legal practice backgrounds and experience. They specialize in statutory federal actions which most lawyers have little or no understanding of due to the complexity of the federal statutory schemes, and attendant regulations. Both are regular seminar speakers regarding federal statutory and federal consumer litigation. Both are recognized as top consumer advocates in federal consumer litigation in the Southern District.

FURTHER, Affiant sayeth not.

By: 
MAX CASSADY

Sworn to and subscribed this 20th day of May 2009.


NOTARY PUBLIC

My Commission Expires: 4-10-10